

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., *et al.*¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

**PROPOSED AGENDA OF MATTERS SCHEDULED
FOR OMNIBUS HEARING ON JULY 11, 2019 AT 1:30 P.M.**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) approved by the Court on October 4, 2016 [Doc 220], submits this proposed agenda for the matters scheduled for the omnibus hearing on July 11, 2019 at 1:30 p.m. (prevailing Eastern time) (the “Hearing”). The Trustee anticipates the matters before the Court for the Hearing will take approximately thirty (30) minutes.

I. DIAL-IN INFORMATION

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-800-829-7603; passcode 6899341#. Interested parties planning on participating in the Hearing by conference call shall notify the Court before the Hearing by contacting Heather Butler (heather_butler@insb.uscourts.gov or 317-229-3833) or Suzette Bewley (suzette_bewley@insb.uscourts.gov or 317-229-3862).

II. MATTERS SCHEDULED TO BE HEARD AT HEARING

Lead Bankruptcy Case (Case No. 16-07207)

1. *Notice of Invoice for Rubin & Levin, P.C.’s Fees and Expenses for the Period of April 1, 2019 through April 30, 2019 as General Counsel [Doc 3432]*, filed by Rubin & Levin, P.C.

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

- **Status:** No objections filed by the June 10, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 2. *Notice of Invoice for Rubin & Levin, P.C.'s Fees and Expenses in Connection with the Peaks AP for the Period of April 1, 2019 through April 30, 2019* [**Doc 3433**], filed by Rubin & Levin, P.C.
 - **Status:** No objections filed by the June 10, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 3. *Notice of Invoice for BGBC Partners, LLP's Fees and Expenses for the Period of May 1, 2019 through May 31, 2019* [**Doc 3465**], filed by BGBC Partners, LLP.
 - **Status:** No objections filed by the June 24, 2019 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
- 4. *Final Fee Application of Mulvey Law LLC for Compensation for Services Rendered and Reimbursement of Expenses Incurred as Conflict Avoidance Claims Counsel for the Trustee on a Contingent Fee Basis for the Period August 15, 2018 through May 31, 2019* [**Doc 3474**], filed by Mulvey Law LLC.
 - **Status:** No objections filed by the July 3, 2019 objection deadline. Going forward at the Hearing.
- 5. *Second Final Fee Application of Rubin & Levin, P.C. for Compensation for Services Rendered and Reimbursement of Expenses Incurred as Avoidance Claims Counsel for the Trustee on a Contingent Fee Basis for the Period October 1, 2018 through May 31, 2019* [**Doc 3475**], filed by Rubin & Levin, P.C.
 - **Status:** No objections filed by the July 3, 2019 objection deadline. Going forward at the Hearing.
- 6. *Fifth Interim Fee Application of Proskauer Rose LLP for Compensation for Services Rendered and Reimbursement of Expenses Incurred as Co-Counsel for the Trustee for the Period September 1, 2018 through March 31, 2019* [**Doc 3467**], filed by Proskauer Rose LLP.
 - **Status:** No objections filed by the July 3, 2019 objection deadline. Going forward at the Hearing.
- 7. *Trustee's Motion for Entry of an Order (A) Authorizing the Trustee to Compromise and Settle Claims By and Between ITT and the CFPB, (B) Authorizing the Trustee to Make a Limited Appearance in the CFPB action, and*

(C) *Granting Related Relief* [Doc 3469], filed by the Trustee.

- **Status:** No objections filed by the July 3, 2019 objection deadline. Going forward at the Hearing.

Caruso v. Student CU Connect CUSO, LLC et al. (Adversary No. 17-50101)

1. Continued hearing on *Motion to Dismiss Complaint with Prejudice of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union* [Doc 20] filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union and *Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support* [Doc 22], filed by CommunityAmerica Credit Union.
 - *Memorandum of Law in Support of Motion to Dismiss Adversary Complaint of Defendants Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union* [Doc 21], filed by Student CU Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
 - *Joinder by Defendants Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant CommunityAmerica Credit Union's Motion to Dismiss and Brief in Support* [Doc 24], filed by Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
 - *Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss* [Doc 29], filed by the Trustee.
 - *Defendant CommunityAmerica Credit Union's Reply Brief in Support of its Motion to Dismiss* [Doc 33], filed by CommunityAmerica Credit Union.
 - *Reply Memorandum of Defendants Student CU Connect CUSO, LLC, the Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union in Support of Their Motion to Dismiss the Adversary Complaint* [Doc 34], filed by Student CU

Connect CUSO, LLC, The Rochdale Group, Inc., Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.

- *Joinder by Defendants Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union to Defendant Community America Credit Union's Reply Brief in Support of Its Motion to Dismiss [Doc 37]*, filed by Elements Financial Federal Credit Union, Bellco Credit Union, Credit Union of America, Directions Credit Union, Veridian Credit Union, and Workers Credit Union.
- **Status:** Per the Court's July 10, 2019 Order **[Doc 89]**, this matter has been continued to September 25, 2019 at 1:30 p.m. Not going forward at the Hearing.

III. **NOTICE**

Pursuant to the Case Management Procedures, the Trustee will serve this proposed hearing agenda on the Core Group (as defined in the Case Management Procedures) and each entity who has filed and served a court filing set to be heard at the Hearing.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen
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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2019, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on July 11, 2019 at 1:30 p.m.* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on July 10, 2019, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on July 11, 2019 at 1:30 p.m.* was emailed to the following:

Arlington ISD/Richardson ISD: Eboney Cobb at ecobb@pbfc.com
CEC Red Run, LLC: Alan M. Grochal at agrochal@tydingslaw.com
SWRE Deal V Building, LLC: Paul Weiser at pweiser@buchalter.com
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Oklahoma County Treasurer: Tammy Jones at tammy.jones@oklahomacounty.org
JM Partners LLC: John Marshall at jmarshall@jmpartnersllc.com

/s/ Meredith R. Theisen

Meredith R. Theisen